

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES A. FULLER, SR.,)	
)	Civil Action No. 05 - 1645
Petitioner,)	
)	
v.)	Judge Nora Barry Fischer
)	
DISTRICT ATTORNEY OF)	
FAYETTE COUNTY, NANCY D.)	
VERNON; THE ATTORNEY)	
GENERAL FOR THE STATE OF)	
PENNSYLVANIA,)	
)	
Respondents.		

MEMORANDUM ORDER

On November 29, 2005, the above captioned case was initiated by the filing of a Motion to Proceed In Forma Pauperis accompanied by a Petition for Writ of Habeas Corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on July 16, 2008 (doc. no. 15) recommended that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. Petitioner was served with the Report and Recommendation and advised that he was allowed until August 4, 2008 to file written objections to the Report and Recommendation. No Objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the

following order is entered:

AND NOW, this 13th day of August, 2008;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 15) of Magistrate Judge Lenihan dated July 16, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/Nora Barry Fischer
United States District Judge

cc/ecf: Lisa Pupo Lenihan
United States Magistrate Judge

Counsel of Record

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